

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KATHERINE RODRIGUEZ DIAZ, SALIN  
SOLIS, and ELEAZAR GONZALEZ  
MORALES,

Plaintiffs,

-against-

PRESTO FRESH CAFÉ CORP., et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/1/2021

1:20-cv-02432 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On December 4, 2020, Plaintiff informed the Court that this case had been settled and submitted a letter and documentation supporting the fairness of the settlement (the “Settlement Letter”) [ECF No. 25]. The Parties submitted an amended Settlement Agreement on January 21, 2021 [ECF No. 27]. While this action initially was filed as a putative collective action, the Settlement Letter makes clear that the Parties’ settlement resolves only the claims of the named Plaintiffs and does not purport to impact claims that may be held by any other of Defendants’ employees.

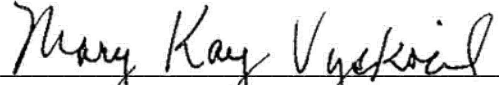
The Court has reviewed the Plaintiff’s submission for fairness in accordance with the FLSA and Second Circuit law, *see, e.g., Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015), and has concluded that the terms of the settlement are fair and reasonable. The settlement amount is reasonable, in part, because, before attorney’s fees, the settlement compensates Plaintiffs for approximately half of the claimed damages, based on the allegations in the complaint. As for attorney’s fees, Plaintiffs’ counsel will receive less than the amount of fees they would be entitled to at a standard hourly rate. *See* Settlement Agreement at 3 (collecting cases regarding attorney’s fees). It should be noted, however, that, in approving the

settlement, the Court is not opining specifically on the reasonableness of the rates charged by the attorney representing Plaintiff.

Accordingly, the settlement memorialized in the Settlement Agreement at ECF No. 27 is approved, and the Court ORDERS that the case be dismissed with prejudice. The Clerk of Court is respectfully requested to terminate all pending motions, adjourn any remaining dates, and close this case.

**SO ORDERED.**

**Date: February 1, 2021**  
**New York, NY**

  
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**MARY KAY VYSKOCIL**  
**United States District Judge**